

REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

The Applicant thanks the Examiner for conducting an interview on March 15, 2011. The Applicant acknowledges that although no agreement was reached, it was noted that the Examiner agreed to consider the raised issues to a greater depth upon receipt of this Response, which restates a number of distinctions discussed during the interview.

Claims 6-20 are rejected, under 35 U.S.C. § 103, as being unpatentable over Hrazdera '595 (U.S. Patent No. 6,942,595) in view of Applicant's admitted prior art in the background of the invention. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

Before discussing the applied prior art in detail, the Applicant would first like to summarize the inventive aspects of the presently claimed invention. As presently claimed in independent claim 10, the present invention generally relates to and covers a method of operating a traveling power takeoff shaft connected by a clutch to a drive motor for driving both a tractor and a trailer. The method comprising the steps of providing at least three discrete, shiftable power takeoff gear stages; sensing a wheel rotational speed with a sensor; defining a lower motor rotational speed threshold value to correspond to a next lower power takeoff stage of the least three discrete, shiftable power takeoff stages; comparing the wheel rotational speed to the lower motor rotational speed threshold value; and shifting to the next lower power takeoff stage when the rotational speed of the drive motor achieves the lower motor rotational speed threshold value; and maintaining an optimal travel speed for both the tractor and the trailer, by shifting to a desired one of the least three discrete shiftable power takeoff stages, so that both the tractor and the trailer travel together with one another substantially as an integrated unit and at a substantially identical speed.

The shifting of the power takeoff stage, which controls the speed of the trailer, is important in ensuring that the front wheels of the tractor always remain firmly in contact with the ground in order to facilitate steering of the tractor, especially on hilly terrain (see paragraph

[0016] of the pending specification, for example). It is to be appreciated that in the event that the trailer is traveling at a speed (slightly) faster than the speed of the tractor, and both the tractor and the trailer were transitioning from a horizontal traveling surface to an upwardly inclined traveling surface, which is particularly prevalent on hilly terrain, the trailer could impose a force on the rear end of the tractor that tends to pivot or raise the front wheels of the tractor away from and out of contact with the ground, thereby compromising the ability of the driver to steer the tractor and creating a potentially hazardous situation. The presently claimed invention avoids this possibility by adequately controlling the speed of the trailer and initiating appropriate upshifts and downshifts for the power take off (PTO) to match the speed of the trailer to the speed of the tractor.

Turning down to the raised rejection, the Applicant first incorporates all the remarks submitted in the Response filed on October 10, 2010 as if fully restated herein.

Next, the Applicant respectfully points out that the applied art of Hrazdera '595 relates to a power take off connected only to a CVT. While, as the Examiner indicates, Hrazdera '595 does briefly mention in the, respectfully, ambiguous section cited by the Examiner [column 4, Ins. 33-37], that the "control system" maybe used on tractors with a conventional transmission and a CVT, such a scenario still requires a CVT to connect the power take off to the engine. The only way a different interpretation may be made from that phrase, the sole and only instance in Hrazdera '595 where a conventional transmission is mentioned, is by the impermissible use of hindsight. Such a phrase would clearly not teach one of ordinary skill in the art to use a conventional transmission with a power take off, as presently claimed.

Hrazdera '595's necessity of using a CVT is in distinct contrast to the presently claimed invention, which requires *three discrete shiftable stages* (e.g., gears) to connect the engine output shaft to the power take off. As Hrazdera '595, within the four corners of the patent, does not in anyway teach, suggest or remotely hint at using three discreet shiftable stages and, respectively, the raised obviousness rejection should be withdrawn and the pending claims are in a condition for allowance.

Finally, Hrazdera '595 relates to manipulating the speed of a power take off via contentiously varying the transmission ratio of CVT. This is in distinct contrast to the presently

claimed method. As recited in, for example, independent claim 6, the speed of the power take off is varied by *changing the rotational speed of the motor*, within a given range. When the rotational speed of the drive motor either exceeds the upper threshold or falls below the lower threshold, the method then shifts the traveling power takeoff shaft to either a respectively next higher or respectively next lower gear stage. It is respectfully submitted that such a manner for controlling of the speed of the power take off is not in any way taught, suggested, mentioned, disclosed or even remotely hinted at in Hrazdera '59. That is, the independent claim 6 now recite the features of "defining higher and lower motor rotational speed threshold values for the drive motor; determining one of a wheel speed and a vehicle speed; controllingly conforming a rotational speed of the traveling power takeoff shaft to a ratio of at least one of the determined vehicle speed and the determined wheel speed so that the tractor and the trailer travel at substantially a same speed; comparing the determined one of the wheel speed and the vehicle speed to the defined higher and lower motor rotational speed threshold values; and shifting a power takeoff stage to one of a corresponding next higher and the next lower discrete shiftable power takeoff stage, upon attainment of one of the higher and the lower motor rotational speed threshold value so as to maintain an optimal traveling speed for both the tractor and the trailer so that both the tractor and the trailer travel together substantially as an integrated unit at substantially the same speed." Independent claims 10 and 14 both recite somewhat similar limitations. The presently claimed features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art of Hrazdera '59. In view of the forgoing, it is respectfully submitted that the raised obviousness rejection should be withdrawn and the pending claims are now in a condition for allowance.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Hrazdera '595 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be

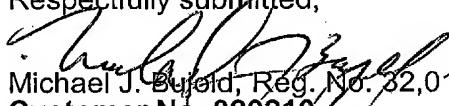
withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis & Bujold, P.L.L.C.
112 Pleasant Street
Concord, NH 03301-2931
Telephone 603-226-7490
Facsimile 603-226-7499
E-mail: patent@davisandbujold.com